

HOUSE BILL 955

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11r2433

By: **Delegate Myers**

Introduced and read first time: February 11, 2011

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Elections for County Treasurers, Clerks of the Circuit Court, and Registers**
3 **of Wills – Nonpartisan Elections**

4 FOR the purpose of establishing a method of electing county treasurers, clerks of the
5 circuit court, and registers of wills on a nonpartisan basis, without regard to
6 political party affiliation; establishing a primary election for candidates for
7 nomination for certain offices to be administered in a certain manner;
8 authorizing any registered voter, with or without any political party affiliation,
9 to participate in such a primary; prohibiting candidates from appearing on
10 primary ballots under certain circumstances; establishing that a candidate for a
11 certain office may not be nominated by petition or by a political party that is not
12 required to nominate its candidates by party primary; making a conforming
13 change; and generally relating to the nonpartisan nomination and election of
14 county treasurers, clerks of the circuit court, and registers of wills.

15 BY repealing and reenacting, with amendments,
16 Article – Election Law
17 Section 5–203, 5–703(a), 5–703.1(a), and 9–210(a)
18 Annotated Code of Maryland
19 (2010 Replacement Volume)

20 BY repealing and reenacting, without amendments,
21 Article – Election Law
22 Section 5–301(a)
23 Annotated Code of Maryland
24 (2010 Replacement Volume)

25 BY adding to
26 Article – Election Law
27 Section 8–901 through 8–905 to be under the new subtitle “Subtitle 9. Election
28 of County Treasurer, Clerk of the Circuit Court, and Register of Wills”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2010 Replacement Volume)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Election Law**

6 5–203.

7 (a) (1) This subsection does not apply to a candidate for:

8 (i) President or Vice President of the United States; or

9 (ii) any federal office who seeks nomination by petition.

10 (2) Unless the individual is a registered voter affiliated with the
11 political party, an individual may not be a candidate for:

12 (i) an office of that political party; or

13 (ii) except as provided in subsection (b) of this section,
14 nomination by that political party.

15 (b) The requirements for party affiliation specified under subsection (a) of
16 this section do not apply to a candidate for:

17 (1) a judicial office; [or]

18 (2) a county board of education;

19 **(3) COUNTY TREASURER;**

20 **(4) CLERK OF THE CIRCUIT COURT; OR**

21 **(5) REGISTER OF WILLS.**

22 5–301.

23 (a) An individual may become a candidate for a public or party office only if:

24 (1) the individual files a certificate of candidacy in accordance with
25 this subtitle; and

26 (2) the individual does not file a certificate of withdrawal under
27 Subtitle 5 of this title.

1 5-703.

2 (a) Except for a candidate for **COUNTY TREASURER, CLERK OF THE**
3 **CIRCUIT COURT, REGISTER OF WILLS, OR** a nonpartisan county Board of Education,
4 this section applies to any candidate for public office subject to this title.

5 5-703.1

6 (a) Except for a candidate for **COUNTY TREASURER, CLERK OF THE**
7 **CIRCUIT COURT, REGISTER OF WILLS, OR** a nonpartisan county board of education,
8 this section applies to any candidate for public office subject to this title.

9 **SUBTITLE 9. ELECTION OF COUNTY TREASURER, CLERK OF THE CIRCUIT**
10 **COURT, AND REGISTER OF WILLS.**

11 **8-901.**

12 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE PROVISIONS OF**
13 **THIS ARTICLE RELATING TO THE NOMINATION AND ELECTION OF CANDIDATES**
14 **TO PUBLIC OFFICE SHALL GOVERN THE NOMINATION AND ELECTION OF:**

15 (1) **COUNTY TREASURER;**

16 (2) **CLERK OF THE CIRCUIT COURT; AND**

17 (3) **REGISTER OF WILLS.**

18 **8-902.**

19 (A) (1) **A COUNTY TREASURER, CLERK OF THE CIRCUIT COURT, AND**
20 **REGISTER OF WILLS SHALL BE ELECTED ON A NONPARTISAN BASIS.**

21 (2) **IN A PRIMARY ELECTION TO NOMINATE A CANDIDATE FOR**
22 **COUNTY TREASURER, CLERK OF THE CIRCUIT COURT, OR REGISTER OF WILLS,**
23 **ANY REGISTERED VOTER OF THE COUNTY, REGARDLESS OF PARTY AFFILIATION**
24 **OR LACK OF PARTY AFFILIATION, IS ELIGIBLE TO VOTE IN THE CONTEST FOR**
25 **NOMINATION FOR ONE CANDIDATE.**

26 (B) **A CANDIDATE FOR ELECTION TO THE OFFICE OF COUNTY**
27 **TREASURER, CLERK OF THE CIRCUIT COURT, OR REGISTER OF WILLS SHALL,**
28 **WITHOUT PARTY DESIGNATION OR REGARD TO PARTY AFFILIATION:**

29 (1) **FILE A CERTIFICATE OF CANDIDACY;**

- 1 **(2) BE CERTIFIED TO THE BALLOT;**
2 **(3) APPEAR ON THE BALLOT;**
3 **(4) BE VOTED ON; AND**
4 **(5) BE NOMINATED AND ELECTED.**

5 **8-903.**

6 **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
7 **SUBSECTION, A CANDIDATE FOR COUNTY TREASURER, CLERK OF THE CIRCUIT**
8 **COURT, OR REGISTER OF WILLS SHALL BE NOMINATED AT THE PRIMARY**
9 **ELECTION.**

10 **(2) IF, AFTER THE DEADLINE FOR WITHDRAWAL AS PROVIDED IN**
11 **§ 5-503 OF THIS ARTICLE, THERE ARE NO MORE THAN TWO CANDIDATES WHO**
12 **HAVE FILED CERTIFICATES OF CANDIDACY FOR THE CONTEST, A CERTIFICATE**
13 **OF NOMINATION SHALL BE ISSUED TO EACH CANDIDATE.**

14 **(B) (1) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED BEFORE**
15 **THE BALLOTS ARE PRINTED OR AT A TIME WHEN THE BALLOTS CAN BE**
16 **REPRINTED, THE NAME OF THE CANDIDATE MAY NOT APPEAR ON THE BALLOT.**

17 **(2) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED AFTER THE**
18 **BALLOTS ARE PRINTED AND IT IS TOO LATE FOR THE BALLOTS TO BE**
19 **REPRINTED, ANY VOTES CAST FOR THAT CANDIDATE MAY NOT BE COUNTED.**

20 **(C) (1) THE TWO CANDIDATES WHO RECEIVE THE LARGEST NUMBER**
21 **OF VOTES IN THE PRIMARY ELECTION SHALL BE THE NOMINATED CANDIDATES.**

22 **(2) IF TWO OR MORE CANDIDATES EACH RECEIVE THE LOWEST**
23 **NUMBER OF VOTES NECESSARY TO QUALIFY FOR NOMINATION, CREATING A TIE**
24 **FOR THE LAST NOMINATION FOR THE OFFICE TO BE FILLED, EACH SHALL BE A**
25 **NOMINATED CANDIDATE.**

26 **8-904.**

27 **(A) AFTER THE PRIMARY ELECTION BUT BEFORE THE GENERAL**
28 **ELECTION, IF A NOMINEE DIES, DECLINES THE NOMINATION, OR BECOMES**
29 **DISQUALIFIED BEFORE THE BALLOTS ARE PRINTED OR AT A TIME WHEN THE**
30 **BALLOTS CAN BE REPRINTED, THE NAME OF THE NOMINEE MAY NOT APPEAR ON**
31 **THE BALLOT.**

- 1 (v) United States Senator;
- 2 (2) Representative in Congress;
- 3 (3) members of the General Assembly of Maryland, in the following
4 order:
- 5 (i) Senate of Maryland; and
- 6 (ii) House of Delegates;
- 7 (4) members of the governing body of a county, in the following order:
- 8 (i) county executive; and
- 9 (ii) county council or county commissioner;
- 10 (5) offices in the government of the City of Baltimore, in the following
11 order:
- 12 (i) Mayor;
- 13 (ii) President of the City Council;
- 14 (iii) Comptroller; and
- 15 (iv) member of the City Council;
- 16 (6) judicial offices, in the following order:
- 17 (i) judge of the circuit court;
- 18 (ii) appellate judges, continuance in office, in the following
19 order:
- 20 1. Court of Appeals; and
- 21 2. Court of Special Appeals;
- 22 (7) public offices for which the voters of a county may vote, in the
23 following order:
- 24 (i) county treasurer;
- 25 (ii) State's Attorney;
- 26 (iii) clerk of the circuit court;

- 1 (iv) register of wills;
- 2 (v) judge of the orphans' court;
- 3 (vi) sheriff; and
- 4 (vii) other offices filled by partisan election;
- 5 (8) party offices; and
- 6 (9) **OTHER** offices filled by nonpartisan election.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2011.